

1 BILL NO. Z-85-0939

2 ZONING MAP ORDINANCE NO. Z-

3 AN ORDINANCE amending the City of
4 Fort Wayne Zoning Map No. U-14.

5 BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT
6 WAYNE, INDIANA:

7 SECTION 1. That the area described as follows is hereby
8 designated an R-3 (Multi-Family Residential) District under the terms of
9 Chapter 33 of the Code of the City of Fort Wayne, Indiana of 1974:

10 Part of that portion of the West Half of the North-
11 east Quarter, lying South of the centerline of East
12 State Blvd., together with part of a 2.55 acre tract
in the Fractional Southeast Quarter, both in Section
33, Township 31 North, Range 13 East, Allen County,
Indiana, more particularly described as follows, to-wit:

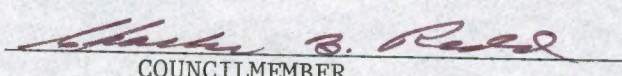
13 Beginning at the intersection of the East-West centerline
14 of said Section 33 with the East right-of-way line of
Granduer Drive, said point of intersection being
15 situated, by deed, 698.0 feet, S 89 degrees 57 minutes
E (platted bearing and is used as the basis for the
16 bearings in this description) of the center of said
Section 33; thence N 00 degrees 17 minutes E, on and
17 along the East right-of-way line of Grandeur Drive,
37.7 feet to the centerline of East State Blvd.;
18 thence N 77 degrees 49 minutes E, on and along said
centerline, 120.0 feet; thence S 05 degrees 10 minutes E,
19 175.75 feet to a point situated 60.65 feet, N 05 degrees
10 minutes W from the Northwest corner of an 0.90 acre
20 tract of land conveyed to Indiana and Michigan Electric
Company by a deed recorded at Deed Record 640, page 248
21 in the Office of the Recorder of Allen County, Indiana;
thence N 89 degrees 00 minutes W, 133.9 feet to the
22 East right-of-way line of Grandeur Drive at a point
situated 80.0 feet, N 01 degrees 17 minutes E from the
23 Northwest corner of Lot #90 in Monarch Park, Section "A",
Amended as recorded in Plat Book 28, pages 110-112 in
24 the Office of the Recorder of Allen County, Indiana; thence
N 00 degrees 17 minutes E, 109.7 feet to the point of
25 beginning, containing 0.467 acres of land, subject to
legal right-of-way for East State Blvd.,

26 Subject to easements for utility purposes over the West
27 14 feet and the South 10 feet,

28 and the symbols of the City of Fort Wayne Zoning Map No. U-14, as
29 established by Section 11 of Chapter 33 of the Code of the City of Fort
30 Wayne, Indiana are hereby changed accordingly.
31
32

1 Page two

2
3 SECTION 2. That this Ordinance shall be in
4 full force and effect from and after its passage and approval by the
5 Mayor.

6
7 
8 COUNCILMEMBER

9 APPROVED AS TO FORM AND LEGALITY:

10 
11 BRUCE O. BOXBERGER, CITY ATTORNEY
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FOX RIVER BOND
25% COTTON

Read the first time in full and on motion by Redd
seconded by Essick, and duly adopted, read the second time
by title and referred to the Committee Regulations (and the Ci
Plan Commission for recommendation) and Public Hearing to be held after
due legal notice, at the Council Chambers, City-County Building, Fort Way
Indiana, on _____, the _____ day of _____
_____, 19_____, at _____ o'clock _____ .M., E

DATE: 8-27-85

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Redd
seconded by Stier, and duly adopted, placed on its
passage. ~~PASSED~~ (LOST) by the following vote:

| | <u>AYES</u> | <u>NAYS</u> | <u>ABSTAINED</u> | <u>ABSENT</u> | <u>TO-WIT:</u> |
|--------------------|-------------|-------------|------------------|---------------|----------------|
| <u>TOTAL VOTES</u> | _____ | <u>7</u> | _____ | <u>2</u> | _____ |
| <u>BRADBURY</u> | _____ | <u>✓</u> | _____ | _____ | _____ |
| <u>BURNS</u> | _____ | <u>✓</u> | _____ | _____ | _____ |
| <u>EISBART</u> | _____ | _____ | _____ | <u>✓</u> | _____ |
| <u>GiaQUINTA</u> | _____ | <u>✓</u> | _____ | _____ | _____ |
| <u>HENRY</u> | _____ | <u>✓</u> | _____ | _____ | _____ |
| <u>REDD</u> | _____ | <u>✓</u> | _____ | _____ | _____ |
| <u>SCHMIDT</u> | _____ | _____ | _____ | <u>✓</u> | _____ |
| <u>STIER</u> | _____ | <u>✓</u> | _____ | _____ | _____ |
| <u>TALARICO</u> | _____ | <u>✓</u> | _____ | _____ | _____ |

DATE: 9-24-85

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort
Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL)
(SPECIAL) (ZONING MAP) ORDINANCE (RESOLUTION) NO. _____
on the _____ day of _____, 19_____,

ATTEST:

(SEAL)

SANDRA E. KENNEDY, CITY CLERK

PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana,
on the _____ day of _____, 19_____
at the hour of _____ o'clock _____ .M., E.S.T.

SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this _____ day of _____
19_____, at the hour of _____ o'clock _____ .M., E.S.T.

WIN MOSES, JR., MAYOR

RECEIPT NO. _____

DATE FILED _____

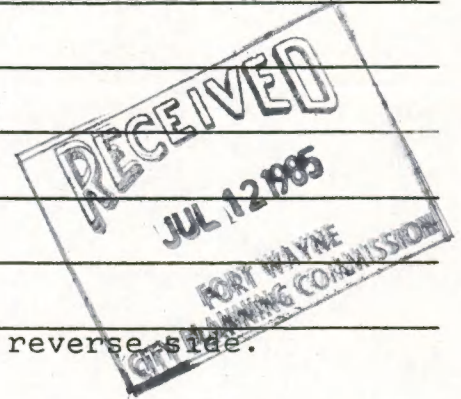
INTENDED USE _____

THIS IS TO BE FILED IN DUPLICATE

I/~~We~~ Cynthia M. Dickman
(Applicant's Name or Names)

do hereby petition your Honorable Body to amend the Zoning Map of Fort Wayne Indiana, by reclassifying from a/an R1 District to a/an R3 District the property described as follows:

See attached Warranty Deed for legal description marked Exhibit "A"
which is attached hereto and made a part hereof.



(Legal Description) If additional space is needed, use reverse side.

ADDRESS OF PROPERTY IS TO BE INCLUDED:

SE Corner of East State Blvd & Grandeur Dr
Fort Wayne, Ind. 46815

(General Description for Planning Staff Use Only)

I/~~We~~, the undersigned, certify that I am/~~We are~~ the owner(s) of the entire tract ~~fifty-one~~ ~~percentum x k k k x o r x m o r e~~ of the property described in this petition.

| | | |
|---------------------------|---------------------------------|---------------------------|
| <u>Cynthia M. Dickman</u> | <u>6607 Longfellow, Dallas,</u> | <u>Cynthia M. Dickman</u> |
| _____ | <u>Texas 75230</u> | _____ |
| (Name) | (Address) | (Signature) |

(If additional space is needed, use reverse side.)

Legal Description checked by _____
(OFFICE USE ONLY)

NOTE FOLLOWING RULES

All requests for deferrals, continuances, withdrawals, or request that the ordinance be taken under advisement shall be filed in writing and be submitted to the City Plan Commission prior to the legal notice pertaining to the ordinance being sent to the newspaper for legal publication. If the request for deferral, continuance or request that ordinances be taken under advisement is received prior to the publication of the legal ad being published the head of the Plan Commission staff shall not put the matter on the agenda for the meeting at which it was to be considered. The Plan Commission staff will not accept request from petitioners for deferrals, continuances, withdrawals, or requests that an ordinance be taken under advisement, after the legal notice of said ordinance is forwarded to the newspaper for legal publication but shall schedule the matter for hearing before the City Plan Commission. (FILING FEE \$50.00)

Name and address of the preparer, attorney or agent.

| | | |
|-----------------------------|---------------------------------|-----------------------------|
| <u>Philip R. Terrill</u> | <u>1700 Lincoln Tower</u> | <u>Fort Wayne, IN 46802</u> |
| <u>PETERS & TERRILL</u> | <u>(Address & Zip Code)</u> | <u>(Telephone Number)</u> |
| (Name) | | <u>(219) 423-4487</u> |

COMMUNITY DEVELOPMENT AND PLANNING / Division of Long Range Planning & Zoning and (CITY PLAN COMMISSION) / Room #830, City-County Building, One Main Street, Fort Wayne, IN 46802 (PHONE: 219/427-1140).

Applicants, Property owners and preparer shall be notified of the Public Hearing approximately ten (10) days prior to the meeting.

Cynthia M. Dickman

2215 ABILEY DR

WARRANTY DEED

THIS INDENTURE WITNESSETH THAT:

CHIMNEY CORNERS, INC., an Indiana corporation, of Allen County in the State of Indiana,

CONVEYS AND WARRANTS TO:

CYNTHIA M. DICKMAN, of Allen County in the State of Indiana,

for and in consideration of One Dollar (\$1.00) and other good and valuable consideration, the receipt whereof is hereby acknowledged, the following Real Estate in Allen County in the State of Indiana, to-wit:

Part of that portion of the West Half of the Northeast Quarter, lying South of the centerline of East State Blvd., together with part of a 2.55 acre tract in the Fractional Southeast Quarter, both in Section 33, Township 31 North, Range 13 East, Allen County, Indiana, more particularly described as follows, to-wit:

Beginning at the intersection of the East-West centerline of said Section 33 with the East right-of-way line of Grandeur Drive, said point of intersection being situated, by deed, 698.0 feet, S 89° 57' E (platted bearing and is used as the basis for the bearings in this description) of the center of said Section 33; thence N 00°-17' E, on and along the East right-of-way line of Grandeur Drive, 37.7 feet to the centerline of East State Blvd.; thence N 77°-49' E, on and along said centerline, 120.0 feet; thence S 05°-10' E, 175.75 feet to a point situated 60.65 feet, N 05°-10' W from the Northwest corner of an 0.90 acre tract of land conveyed to Indiana and Michigan Electric Company by a deed recorded at Deed Record 640, page 248 in the Office of the Recorder of Allen County, Indiana; thence N 89°-00' W, 133.9 feet to the East right-of-way line of Grandeur Drive at a point situated 80.0 feet, N 01°-17' E from the Northwest corner of Lot #90 in Monarch Park, Section "A", Amended as recorded in Plat Book 28, pages 110-112 in the Office of the Recorder of Allen County, Indiana; thence N 00°-17' E, 109.7 feet to the point of beginning, containing 0.467 acres of land, subject to legal right-of-way for East State Blvd.

Subject to easements for utility purposes over the West 14 feet and the South 10 feet;

Subject to the installment of taxes due and payable in May, 1977, and all subsequent taxes and assessments which Grantee herein assumes and agrees to pay.

Grantor certifies under oath that because this Corporation has elected to be a small business corporation operating under Sub-Chapter S of the Internal Revenue Code, this transaction is not subject to Indiana Gross Income Tax at this time.

DULY ENTERED FOR TAXATION

APR 26 1977

Jan D. Uebelacker
AUDITOR OF ALLEN COUNTY

INSTRUMENT. K

1908³

1977 APR 26 PM 2:50
ALLEN COUNTY RECORDER
James E. Schmitt

DATED THIS 22 day of April, 1977.

CHIMNEY CORNERS, INC.

BY Robert L. Meister
Robert L. Meister, President

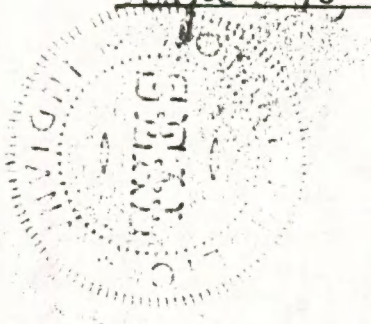
STATE OF INDIANA)
) SS:
COUNTY OF ALLEN

Before me, the undersigned, a Notary Public in and for said County and State, this 22 day of April, 1977, personally appeared Robert L. Meister, President of Chimney Corners, Inc., to me known to be such officer of said corporation, and acknowledged the execution of the foregoing deed for and on behalf of said corporation and by its authority. In witness whereof, I have hereunto subscribed my name and affixed my official seal.

My Commission Expires:

Sept 16, 1979

Edna Jean McGarity
Notary Public
Edna Jean McGarity



This instrument prepared by William D. Swift, Attorney, 590 Lincoln Tower, Fort Wayne, Indiana 46802.

Z. K. TAZIAN ASSOCIATES, Inc.

PROFESSIONAL ENGINEERS & LAND SURVEYORS

Zohrab K. Tazian, P.E. & L.S.
President

Jerry K. Walker, P.E. & L.S.
Vice President

Certificate of Survey

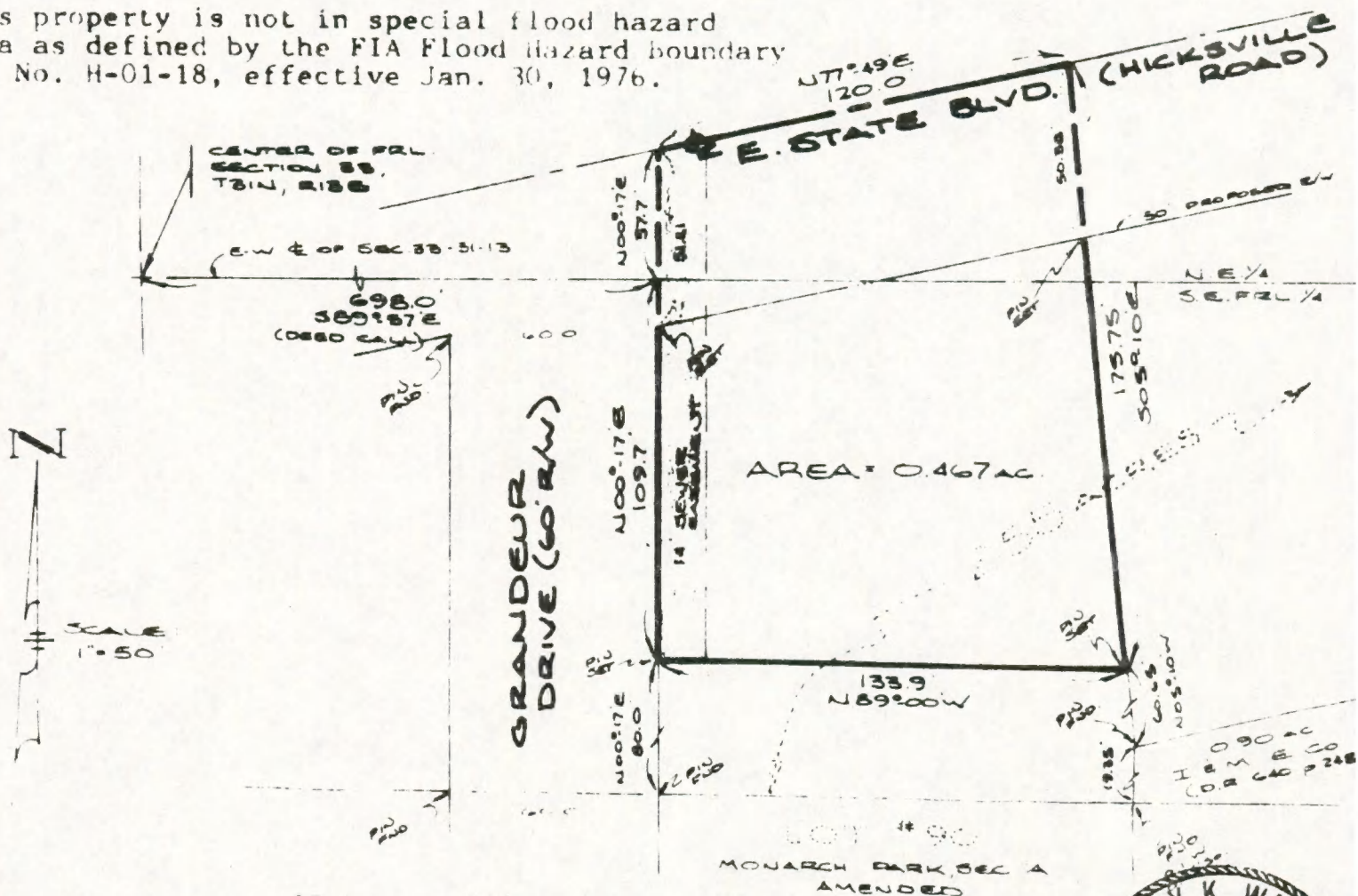
This document is a record of a resurvey of land and real estate prepared in conformity with established rules of surveying and made in accordance with the records or plat on file in the Recorder's office of Allen County, State of Indiana. The land described exists in full dimensions as shown hereon in feet. It is free from encroachments by adjoining land owners unless specifically shown below. Corners were perpetuated as indicated.

DESCRIPTION OF REAL ESTATE

Part of that portion of the West Half of the Northeast Quarter, lying south of the centerline of East State Blvd., together with part of a 2.55 acre tract in the Fractional Southeast Quarter, both in Section 33, Township 31 North, Range 13 East, Allen County, Indiana, more particularly described as follows, to wit:

Beginning at the intersection of the East-West centerline of said Section 33 with the East right-of-way line of Grandeur Drive, said point of intersection being situated, by deed, 698.0 feet, S 89°-57' E (platted bearing and is used as the basis for the bearings in this description) of the center of said Section 33; thence N 00°-17' E, on and along the East right-of-way line of Grandeur Drive, 37.7 feet to the centerline of East State Blvd.; thence N 77°-49' E, on and along said centerline, 120.0 feet; thence S 05°-10' E, 175.75 feet to a point situated 60.65 feet, N 05°-10' W from the Northwest corner of an 0.90 acre tract of land conveyed to Indiana and Michigan Electric Company by a deed recorded at Deed Record 640, Page 248 in the Office of the Recorder of Allen County, Indiana; thence N 89°-00' W, 133.9 feet to the East right-of-way line of Grandeur Drive at a point situated 80.0 feet, N 01°-17' E from the Northwest corner of Lot #90 in Monarch Park, Section "A", Amended as recorded in Plat Book 28, Pages 110-112 in the Office of the Recorder of Allen County, Indiana; thence N 00°-17' E, 109.7 feet to the point of beginning, containing 0.467 acres of land, subject to legal right-of-way for East State Blvd., and subject to a sewer easement over the West 14 feet thereof.

This property is not in special flood hazard area as defined by the FIA Flood Hazard boundary map No. H-01-18, effective Jan. 30, 1976.



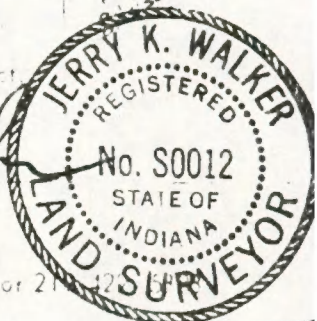
I hereby certify on the 17th day of February, 1977, that the above survey is correct.

REVISED 14 APRIL 1977 - EASEMENTS

ed for Chimney Corners

vey No. CZ-136 "B"

Jerry K. Walker



710 South Barr Street

Fort Wayne, Indiana 46802

Phones: 219-743-0003 or 219-425-1444

EXHIBIT A

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on August 27, 1985 referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-85-08-39; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on August 19, 1985;

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO NOT PASS recommendation based on the Commission's following "Findings of Fact".

(1) the grant will be injurious to the public health, safety, morals and general welfare of the community;

(2) the use or value of the area adjacent to the property included in the rezoning will be affected in a substantially adverse manner;

(3) the need for the rezoning does not arise from conditions peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;

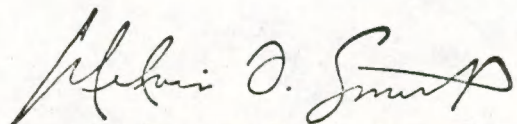
(4) the strict application of the terms of the zoning ordinance will not constitute an unusual and unnecessary hardship to this property;

(5) the grant interferes substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law; and,

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held August 26, 1985.

Certified and signed this
4th day of September 1985.



Melvin O. Smith
Secretary

BILL NO. Z-85-08-39

REPORT OF THE COMMITTEE ON REGULATIONS

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS

REFERRED AN (ORDINANCE) (~~XXXXXXXXXX~~ RESOLUTION) amending the City of Fort

Wayne Zoning Map No. U-14

HAVE HAD SAID (ORDINANCE) (~~XXXXXXXXXX~~ RESOLUTION) UNDER CONSIDERATION AND BEG

LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID (ORDINANCE)

(~~XXXXXXXXXX~~ RESOLUTION)

YES

NO

CHARLES B. REDD
CHAIRMAN

JANET G. BRADBURY
VICE CHAIRWOMAN

JAMES S. STIER

BEN A. EISBART

DONALD J. SCHMIDT

CONCURRED IN 9-24-85

Sandra E. Kennedy
SANDRA E. KENNEDY
CITY CLERK

RECEIPT

No 12050

COMMUNITY DEVELOPMENT & PLANNING

FT. WAYNE, IND., 7-13 1985

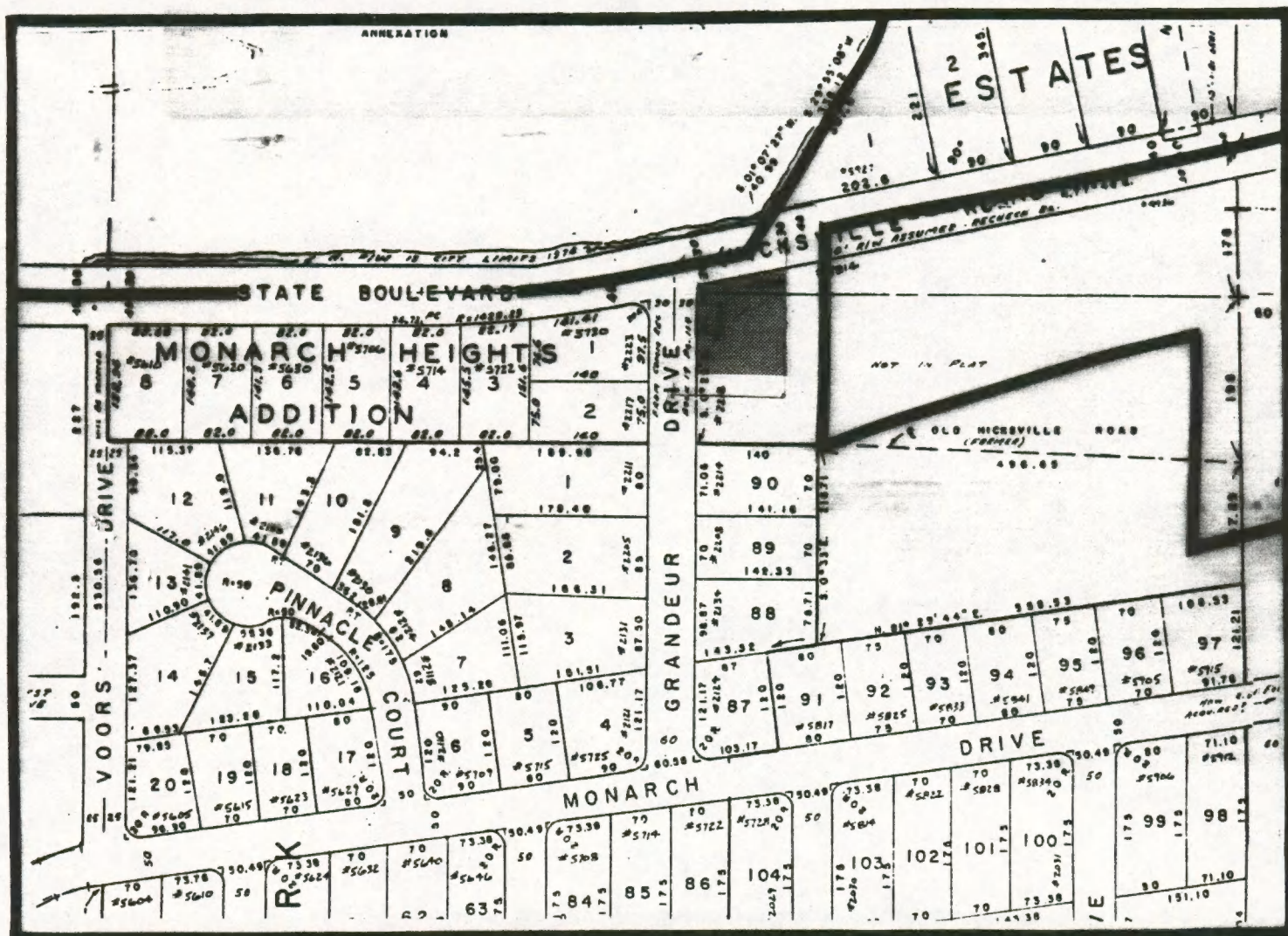
RECEIVED FROM Cynthia McKinney \$ 50.00

THE SUM OF fifty & no/100 100 DOLLARS

ON ACCOUNT OF reopening K-1 to K-3

AUTHORIZED SIGNATURE

GENERAL LOCATION MAP FOR THE SOUTHEAST CORNER OF STATE BLVD & GRANDEUR.



Zoning:

- R1 RESIDENTIAL DISTRICT
- R3 RESIDENTIAL DISTRICT

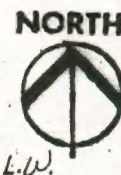
Land Use:

BILL NO. Z-85-08-39

Scale: 1" = 200'

28

Date: 7-29-85



L.W.

FACT SHEET

Bill No. Z-85-08-39

**Division of Community
Development & Planning****BILL NUMBER****BRIEF TITLE****APPROVAL DEADLINE****REASON**Zoning Ordinance Amendment**DETAILS****Specific Location and/or Address**

Southeast corner of East State &
Grandeur.

Reason for Project

To sell or build to suit a small profess-
ional type of practice or business.

Discussion (Including relationship to other Council actions)19 August 1985 - Public Hearing

Phil Terrill, attorney representing the petitioner stated that this would not be spot zoning as was stated by the staff analysis. He stated that across the street and immediately to the east were R-3 zoning. He stated that it does sit on the corner and felt this would be spot discrimination not to include this as an R-3 parcel. He stated that the intention of the petitioner was to sell or build to suit a tenant with a rather small professional type of practice or business. He stated that the land as it stands now is not marketable residentially, since it is immediately next to R-3 zoning. He stated the only marketable concept is to have it conform with that land that it is around.

Steve Smith questioned what the use of the R-3 zonings in the area were.

Mr. Terrill stated that he was not sure of all of them but that the property adjacent to the one in question was used as an office.

POSITIONS**RECOMMENDATIONS****Sponsor**

City Plan Commission

Area Affected

City Wide

Other Areas

**Applicants/
Proponents****Applicant(s)**

Cynthia Dickman
City Department

Other

Opponents**Groups or Individuals**

Monarch Park Assn.

Basis of Opposition

-detriment to area
-R-3 not compatible with
present land use in area
-devalue property

**Staff
Recommendation**☐ For☒ Against**Reason Against**

-spot zoning
-adverse impact on area

**Board or
Commission
Recommendation****By**☐ For☒ Against☐ No Action Taken

☐ For with revisions to conditions
(See Details column for conditions)

**CITY COUNCIL
ACTIONS
(For Council
use only)**☐ Pass☐ Other☐ Pass (as
amended)☐ Hold☐ Council Sub.☐ Do not pass

DETAILS

Opposition: Mary Ann Ervin, Monarch Park Neighborhood Association; Janet Bradbury, 2109 Pinnacle Court; Jan Romine, 2218 Grandeur Drive; Laura Edwards, 1818 Dominion Avenue

Those in opposition stated they were opposed to this property being zoned anything other than R-1. They stated they felt a high zoning would create an increase in traffic thereby causing a threat to personal safety. They stated it would not be compatible with the present land use in the area. The President of Monarch Park Association presented the Commission with a remonstrance signed by 285 residents.

There was no one else present who wished to speak in favor of or in opposition to the proposed rezoning.

26 August 1985 - Business Meeting

Motion to deny was made and carried. Of the nine member present 8 voted in favor of denial, one (1) did not vote.

POLICY/ PROGRAM IMPACT

| | |
|--------------------------------------|--|
| Policy or Program Change | <input type="checkbox"/> No <input type="checkbox"/> Yes |
| | |
| | |
| | |
| Operational Impact Assessment | |
| | |
| | |
| | |

(This space for further discussion)

Project Start

Date July 12, 1985

Projected Completion or Occupancy

Date 9 September 1985

Fact Sheet Prepared by

Date 9 September 1985

Patricia Biancaniello

Reviewed by

Date 9 September 1985

Gary Burt

9 September, 1985

Reference or Case Number

Admn. Appr. _____

DIGEST SHEET

ORIGINAL

ORIGINAL

TITLE OF ORDINANCE Zoning Ordinance Amendment 3-85-08-37

DEPARTMENT REQUESTING ORDINANCE Land Use Management - CD&P

SYNOPSIS OF ORDINANCE Southeast corner of East State & Granduer Drive.

EFFECT OF PASSAGE Property is zoned R-1 - Single Family Residential.

Property will become R-3 - Multi-Family Residential.

EFFECT OF NON-PASSAGE Property will remain R-1 - Single Family Residential.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) _____

ASSIGNED TO COMMITTEE (J.N.) _____